

Sixth Appellate District

San Jose, California

MONDAY, APRIL 29, 2002

H020980 PEOPLE v. ARGUE

H022842 IN RE ARGUE ON HABEAS CORPUS

The judgment is reversed, and the matter is remanded to the trial court for the limited purpose of having the trial court conduct an in camera hearing on defendant's request for discovery of the information in the "three binders." If the court finds no discoverable information in the three binders, it shall reinstate its original judgment. If the court finds relevant discoverable information in the three binders, defendant shall be given the opportunity to demonstrate that this information would have led to relevant, admissible evidence that he could have presented at trial and that he was prejudiced at trial by the absence of this evidence. If the trial court determines that defendant was prejudiced by the absence of this evidence, it shall order a new trial. If it determines that defendant was not prejudiced, it shall reinstate its original judgment. Defendant's petition for a writ of habeas corpus is summarily denied. (not published) (Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 29, 2002

H022084 COOPER v. LECKRONE, et al.

The judgment is affirmed. Costs on appeal to Cooper. (not published)

(Wunderlich, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 29, 2002

TUESDAY, APRIL 30, 2002

H020743 PEOPLE v. FRYMAN

The judgment is reversed and the matter remanded for resentencing in accordance with the provisions of the Act. (published)

(Wunderlich, J.; I concur: O'Farrell, J.*; dissenting opinion by Bamattre-Manoukian, Acting P.J.)

Filed April 30, 2002

* Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and Judy Benitez, Deputy Clerk.

In The Court Of Appeal Of The State Of California 75
Sixth Appellate District
San Jose, California

Tuesday, April 30, 2002 (continued)

H021235 PEOPLE v. KEYES

Cause called and argued by Paul Couenhoven appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021738 PEOPLE v. MIGUEL R.

Cause called and argued by Kathleen W. Novoa appearing for Appellant and by Catherine A. Rivlin, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H022127 HEIDINGER, et al. v. MARTINS, et al.

Cause called and argued by Douglas Allen appearing for Appellants and by Stephen D. Pahl appearing for Respondents. Cause ordered submitted.

H021752 AVCO FINANCIAL SERVICES OF HAWAII, INC. v. SHAPIRO & MILES, et al.

Cause called and argued by Diane C. Deckard appearing for Appellant and by Efren A. Compean appearing for Respondents. Cause ordered submitted. Court adjourns until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Mihara, J.; Rushing, J.; and B. Miller, Deputy Clerk.

H023302 DFCS v. EMILIO J.

Cause called and argued by Emilio Jaquias appearing in propria persona and by Teri L. Robinson, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

H022498 PORRAS v. TORRES

Cause called and argued by Carlos Porras appearing in propria persona and by C. Micheal McClure appearing for Respondent. Cause ordered submitted. Court adjourns.

In The Court Of Appeal Of The State Of California 76
Sixth Appellate District
San Jose, California

Tuesday, April 30, 2002 (continued)

H022172 PEOPLE v. LU

H022549 PEOPLE v. LU

H023661 LU on Habeas Corpus

The judgment in case No. H022172 is affirmed. The appeal in case No. H022549 is dismissed. The petition for a writ habeas corpus is denied. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Wunderlich, J.)

Filed April 30, 2002

H021461 PEOPLE v. JOHNSON

H022278 PEOPLE v. JOHNSON

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Elia, J., Mihara, J.)

Filed April 30, 2002

H023526 PEOPLE v. FULTZ

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed April 30, 2002

H023137 SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. CHRISTINA P.

The orders are affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., O'Farrell, J.*)

Filed April 30, 2002

*Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.

H021454 RODRIGUES v. NEAL, et al.

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed April 30, 2002

WEDNESDAY, MAY 01, 2002

H022711 PEOPLE v. PARTRIDGE

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 1, 2002

*Before Premo, Acting P.J., Elia, J. and Wunderlich, J.

In The Court Of Appeal Of The State Of California 77
Sixth Appellate District
San Jose, California

Wednesday, May 01, 2002 (continued)

H023666 PEOPLE v. OLIVERAS

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed May 1, 2002

H022242 CHAE v. ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT OF SANTA CLARA COUNTY, INC.

The judgment is reversed. The matter is remanded to the trial court with directions to issue an order granting AACI's motion for summary adjudication of Chae's first through fifth, and seventh cause of action, but denying the motion for summary adjudication of Chae's sixth cause of action. The parties shall bear their own costs on appeal. (not published)

(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Elia, J.)

Filed May 1, 2002

* Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

H023270 PEOPLE v. FARIAS

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed May 1, 2002

H020031 PEOPLE v. SMITH

The judgment is affirmed. (not published)
(O'Farrell, J.*; We concur: Bamattre-Manoukian, Acting P.J., Wunderlich, J.)

Filed May 1, 2002

* Judge of the Monterey Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

THURSDAY, MAY 02, 2002

H022929 PEOPLE v. NAVARRO

The judgment is affirmed. (not published)
(Rushing, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed May 2, 2002

In The Court Of Appeal Of The State Of California 78
Sixth Appellate District
San Jose, California

Thursday, May 02, 2002 (continued)

H022498 In re the Marriage of CARLOS E. PORRAS AND NANCY TORRES

The November 15, 2000, orders for an ongoing assessment of child's progress in elementary school and that Father seeking counseling are reversed because they are not supported by findings requested by Father and required by Family Code section 3190, subdivision (d). Appellant is to recover costs on appeal. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Rushing, J.)

Filed May 2, 2002

H022085 TOLT v. SARNO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed May 2, 2002

H022911 PEOPLE v. JOHNSON

The judgment is hereby modified to reduce the restitution fine from \$800 to \$200. The trial court is directed to prepare an amended abstract of judgment reflecting this modification and forward a certified copy of the amended abstract to the Department of Corrections. The modified judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Rushing, J.)

Filed May 2, 2002

FRIDAY, MAY 03, 2002

H021076 KALE v. INTEGRATED DEVICE TECH, INC., et al.

The judgment is affirmed. Defendant shall have costs on appeal. (not published)

(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed May 3, 2002